

REMARKS

The Examiner's continued rejection of the claims as being unpatentable over DeVincenzo, et al. (5,853,291) is respectfully traversed. As the Examiner correctly states, DeVincenzo ('291) shows a "subperiosteal system." This is precisely the reason that applicant's invention is completely different than the DeVincenzo '291 device. Applicant's system is not a subperiosteal system. Applicant's system is a bone anchor. The great difference is that the subperiosteal system shown in DeVincenzo '291 works completely different than applicant's invention and is structured accordingly to function differently. In DeVincenzo ('291), in column 4, lines 54 through 61 states as follows:

The periosteum and other soft tissues will then be closed over the base of the device, while the stem 31 protrudes through the membrane to position the ball 29 outside. As a result, when the tissue heals and enough time has passed to have ossointegration, the stemplant is ready for utilization with an orthodontic appliance without the need for a second surgical procedure to expose the protruding part.

This is precisely the medical procedure applicant's invention is intended to avoid. With the use of applicant's bone anchor, there is no waiting period for soft tissue to grow around the anchor device. The structure of DeVincenzo as shown in Figure 1 and Figure 2 and Figure 3 includes a plurality of scalloped edges 20 that extend from leaves 16. This is where the tissue grows. The DeVincenzo '291 scalloped leave edges 20 are the true anchors of the system.

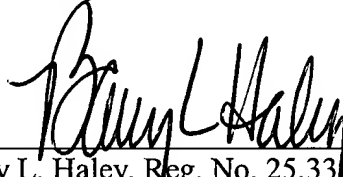
In re application: PAYTON, Kevin L.
Serial No. 09/833,898
Page 9

Considerable time is required before any periodontal attachment can begin. The screws or nails mentioned in column 4, lines 52 through 54 are not bone anchors as required in applicant's device but are to hold down the leaves 16 against the bone for tissue growth over them.

Applicant has amended independent claims 1, 4, 7, 11 and 14 to delineate the fact that applicant's invention is not for subperiodontal use.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry L. Haley", is written over a horizontal line.

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